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NOTES OF CASES.

AWARDS—CONTRACTS—ILLEGAL CONSIDERATION.—A claim arising out of an illegal transaction is held, in *Singleton v. Benton* (Ga.), 58 L. R. A. 181, not to be a legitimate subject-matter for submission to arbitrators, and an award founded thereon is held to be a mere nullity.

With this case is a note as to effect of award upon claim arising out of illegal transaction.

WILLS—SUBSCRIBING WITNESSES—PRESENCE TOGETHER.—That witnesses to a will were in the same room with each other and the testator is held, in *Re Clafin's Will* (Vt.), 58 L. R. A. 261, not to be sufficient to make the attestation valid, if they were not so in the presence of one another that each could see the other sign.

See 6 Va. Law Register, 193.

CONSTITUTIONAL LAW—DUE PROCESS OF LAW—FOREIGN ATTACHMENT.—A statute giving the right to an execution for the unpaid balance of a judgment against a nonresident, as to whom jurisdiction is obtained only by attachment and publication, after exhausting the property attached, is held, in *Kemper-Thomas Paper Co. v. Shyer* (Tenn.), 58 L. R. A. 173, to be void as in violation of the due process clause of the Federal Constitution.

BONDS—DELIVERY.—Although delivery must be in the life time of the grantor, there may be an inchoate delivery during his life which will become absolute at his death. Where the instrument is left with a third person, with instructions to hold it until the grantor's death and then to deliver it to the grantee, such delivery after grantor's death will relate back to the prior delivery for the purpose of passing title. *Frank v. Frank* (Va.), 42 S. E. 666.

BANKS AND BANKING—COLLECTIONS—NOTICE—SET-OFF.—A bank receiving for collection from a correspondent bank a draft indorsed by the payee in blank, without notice that the correspondent holds the draft for collection only, is held, in *American Exch. Nat. Bank v. Theummler* (Ill.), 58 L. R. A. 51, not to be liable to account therefor to the payee, where, before receiving notice of the insolvency of the correspondent, it applies the proceeds in reduction of the correspondent's overdraft.

MUNICIPAL CORPORATIONS—CULVERTS—OBSTRUCTION.—A municipal corporation is not liable for the obstruction of a culvert wholly upon private property, of which it has never assumed control, either by ordinance or resolution of its council, or by acts going to show that it has assumed such control, and this although the city had, subsequently to the building of the culvert, extended it across one of its streets. *Robinson v. City of Danville* (Va.), 43 S. E. 337. Distinguishing *Chalkley v. City of Richmond*, 88 Va. 402.